

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

RECEIVED  
Jul 20 9 31 AM '00  
POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

UNITED STATES POSTAL SERVICE  
MOTION TO COMPEL E-STAMP  
TO RESPOND TO INFORMATION REQUEST  
(July 19, 2000)

Pursuant to rule 30(g) of the Rules of Practice and Procedure and as directed by Presiding Officer (see Tr. 29/13716), the United States Postal Service respectfully moves to compel E-Stamp to provide data that would permit an evaluation of the average monthly postage purchased by E-Stamp customers.

The information in dispute was originally sought by the Office of the Consumer Advocate (OCA) in interrogatory OCA/E-STAMP-T-1-4. Witness Jones responded to the OCA request by providing the "maximum amount" of postage that an E-stamp customer can purchase, not the "average amount." During cross examination, witness Jones was again asked to provide the "average amount of postage purchased by an E-Stamp customer each month." (See Tr. 29/13715). He indicated that he did not have direct knowledge of the requested information, however, he acknowledged having access to such information. (See Tr. 29/13716). Witness Jones' response elicited an objection by E-Stamp on the grounds of commercial sensitivity. *Id.*

E-Stamp is seeking a four cent discount which, allegedly, will offset the fees associated with using PC postage. (See Tr. 29/13714-15). Under E-Stamp's business model, the discount would result in a net cost of zero to the PC postage user. *Id.* That assumption would only hold true if the monthly mail volume was at least 125 pieces for small mailers, to 625 pieces for large mailers (based on monthly service or

"convenience" fees of \$4.99-\$24.99, see interrogatory response USPS/E-STAMP-T1-9(b)). The Postal Service is unable to assess the validity of those claims unless it is allowed to evaluate the requested information.

E-Stamp's objection based on commercial sensitivity must fail. Earlier in the proceeding, the Presiding Officer ruled:

[T]here is ample Commission precedent to indicate that the mere fact that a document may contain sensitive business information does not of itself preclude the production in a proceeding, although it may be subject to protective conditions.

Presiding Officer's Ruling No. 2000-1/53 (April 27, 2000). The Postal Service has no objection to the application of such conditions as were found to be appropriate in Presiding Officer's Ruling No. 2000-1/20 (March 27, 2000).

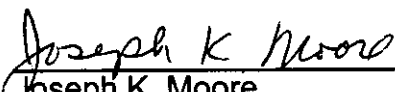
For all these reasons, the Presiding Officer should compel E-Stamp to provide data on average monthly postage purchased by E-Stamp customers. If necessary, the Presiding Officer should consider conditional disclosure of the requested information upon the application of such protective conditions as are deemed appropriate to protect the proprietary, commercial and competitive interests of E-Stamp from harm.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:


Daniel J. Foucheaux, Jr.  
Chief Counsel, Ratemaking

  
\_\_\_\_\_  
Joseph K. Moore

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
(202) 268-3078; Fax -5402  
July 19, 2000

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.

  
\_\_\_\_\_  
Joseph K. Moore

475 L'Enfant Plaza West, S.W.  
Washington, D.C. 20260-1137  
July 19, 2000